IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 22028 of 2007(V)

PETITIONER:

R.K.KUNJAPPAN, (1340163),
S/O.R.K.KUMARAN, AGED 67 YEARS,
EX-SPR NO.1340163, UNIT (405 FD COY) 9 ER,
RAMADIYIL HOUSE, MURUKKUMPADOM, AZHEEKKAL POST,
COCHIN- 682 510.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF DEFENCE, NORTH BLOCK, NEW DELHI-11.

2. THE CHIEF OF ARMY STAFF,
ARMY HEADQUARTERS, NEW DELHI.

3. THE ADJUTANT GENERAL,
DISCIPLINE & VIGILANCE DIRECTORATE (DV 3),
ADJUTANT GENERAL'S BRANCH, ARMY HEADQUARTERS,
DHO P.O., NEW DELHI-11.

4. THE SENIOR RECORDS OFFICER,
RECORDS OFFICE, MADRAS ENGINEERING GROUP,
POST BOX NO.4201, BANGALORE- 560 042.

BY ADV. SRI.TOJAN J.VATHIKULAM, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 22028 of 2007-V

Dated this the 18th day of July, 2007.

J U D G M E N T

The petitioner challenges Ext.P3 order dated 24-5-2001. It is an order passed by the second respondent, on a representation filed by the petitioner, claiming pension and other service benefits. The decision was taken, pursuant to the direction of this Court in Ext.P2 judgment. The petitioner's claim has been rejected for the reason that he was a person dismissed from service. The dismissal has become final. So, a dismissed employee is not entitled to get any pensionary benefits. There is inordinate delay in challenging Ext.P3. Apart from that, there is no merit in the case of the petitioner. A dismissed soldier cannot get pension from the Army.

Accordingly, the Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS